

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No.: 3:10-cv-299 - GCM

PHILIP BENHAM, as an individual)
and as a representative of)
OPERATION SAVE AMERICA, INC.;)
and OPERATION SAVE AMERICA, INC.,)
a non-profit corporation,)
Plaintiffs,)
vs.)
CITY OF CHARLOTTE,)
a political subdivision of the state of)
North Carolina; and EMILY CANTRELL,)
in her individual capacity,)
Defendants.)

FILED
CHARLOTTE, NC

JAN 04 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

THIS MATTER, having come before this Court upon the parties' Joint Motion to Stay Proceedings, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

Findings and Adjudication:

1. The extent and substance of any discovery will be affected by the determinations that the Fourth Circuit Court of Appeals may be required to decide touching upon the issues currently under review. The further course of any discovery in this action will be

impacted by the decision of the Court of Appeals. If the case goes forward while the appeal is pending, countless hours of attorney time, expenses for depositions and other discovery, and a substantial number of hours of this Court's time will be expended. If the Court of Appeals sets forth new criteria, the discovery will then need to be "reset" and begin again to determine answers under the new criteria.

2. The public interest would best be served by staying all proceedings in this case and suspend the Pretrial Order and Case Management Plan (D.E. # 24) pending resolution of the appeal.
3. The parties are hereby directed to notify the Court once the Court of Appeals has disposed of the appeal and jointly propose new deadlines for discovery.

FOR THE FORGOING REASONS, the parties' Joint Motion to Stay Proceedings is hereby **GRANTED**;

DONE and ORDERED in chambers, this 14 day of January, 2011.


Graham C. Mullen
Graham C. Mullen

United States District Judge